



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 12, 1996

Mr. James W. Deatherage
Power & Deatherage
1311 West Irving Boulevard
Irving, Texas 75061-7220

OR96-0307

Dear Mr. Deatherage:

You ask that this office reconsider our decision in Open Records Letter No. 94-671 (1994) in which this office concluded that the Irving Independent School District ("school district") had waived sections 552.103 and 552.107(1) of the Government Code by failing to request a decision from this office within ten days of receiving a request for information. We assigned your request for reconsideration an identification number, ID# 30153.

We have considered your argument that a compelling reason exists to withhold the requested information pursuant to sections 552.103 and 552.107(1) of the Government Code, because the information, you say, was not readily available. We decline to withdraw our decision in Open Records Letter No. 94-671 (1994) and reiterate that a compelling demonstration that information should not be released exists only where the information is confidential by law or a third party's interest are at stake. See Gov't Code §§ 552.301(a); 552.302; *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.--Austin 1990, no writ); Open Records Decision Nos. 630 (1994), 552 (1990). Accordingly, the school district may not withhold the requested information based on section 552.103 or 552.107(1) of the Government Code.

In the future, we suggest that you raise exceptions to disclosure within the ten day deadline and notify this office that the requested information will be forthcoming. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", with a long horizontal flourish extending to the right.

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/ch

Ref.: ID# 30153

cc: Mr. Scott Williams
Dallas Business Journal
4131 North Central Expressway, Suite 310
Dallas, Texas 75204